

**ASSEMBLY BILL**

**No. 2013**

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**Introduced by Assembly Member Arambula**

February 17, 2010

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An act to amend Section 52052 of the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2013, as introduced, Arambula. Education: alternative school performance.

(1) Existing law requires the Superintendent of Public Instruction, with the approval of the state board, to develop an Academic Performance Index (API) to measure the performance of schools, as specified. The API score is used to rank schools, and set growth and performance targets for schools.

Existing law requires the Superintendent, with the approval of the state board, to develop an alternative accountability system for schools under the jurisdiction of a county board of education, or a county superintendent of schools, and specified types of schools, including alternative schools. Schools in this system may receive an API score, but shall not be included in the API ratings.

This bill would include independent study programs in the alternative schools for which the Superintendent is required to develop an alternative accountability system and require all alternative schools serving high-risk pupils to participate in the alternative accountability system, regardless of the percentage of high-risk pupils enrolled.

This bill would specify the minimum contents of the alternative accountability system and require the Superintendent to report to the

Legislature by March 1, 2011, and January 1, 2012, on the data collected based on the revised alternative accountability system.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 52052 of the Education Code is amended  
2 to read:

3 52052. (a) (1) The Superintendent, with approval of the state  
4 board, shall develop an Academic Performance Index (API), to  
5 measure the performance of schools, especially the academic  
6 performance of pupils.

7 (2) A school shall demonstrate comparable improvement in  
8 academic achievement as measured by the API by all numerically  
9 significant pupil subgroups at the school, including:

10 (A) Ethnic subgroups.

11 (B) Socioeconomically disadvantaged pupils.

12 (C) English language learners.

13 (D) Pupils with disabilities.

14 (3) (A) For purposes of this section, a numerically significant  
15 pupil subgroup is one that meets both of the following criteria:

16 (i) The subgroup consists of at least 50 pupils each of whom  
17 has a valid test score.

18 (ii) The subgroup constitutes at least 15 percent of the total  
19 population of pupils at a school who have valid test scores.

20 (B) If a subgroup does not constitute 15 percent of the total  
21 population of pupils at a school who have valid test scores, the  
22 subgroup may constitute a numerically significant pupil subgroup  
23 if it has at least 100 valid test scores.

24 (C) For a school with an API score that is based on no fewer  
25 than 11 and no more than 99 pupils with valid test scores,

1 numerically significant subgroups shall be defined by the  
2 Superintendent, with approval by the state board.

3 (4) The API shall consist of a variety of indicators currently  
4 reported to the department, including, but not limited to, the results  
5 of the achievement test administered pursuant to Section 60640,  
6 attendance rates for pupils in elementary schools, middle schools,  
7 and secondary schools, and the graduation rates for pupils in  
8 secondary schools.

9 (A) Graduation rates for pupils in secondary schools shall be  
10 calculated for the API as follows:

11 (i) Four-year graduation rates shall be calculated by taking the  
12 number of pupils who graduated on time for the current school  
13 year, which is considered to be three school years after the pupils  
14 entered grade 9 for the first time, and dividing that number by the  
15 total calculated in clause (ii).

16 (ii) The number of pupils entering grade 9 for the first time in  
17 the school year three school years prior to the current school year,  
18 plus the number of pupils who transferred into the class graduating  
19 at the end of the current school year between the school year that  
20 was three school years prior to the current school year and the date  
21 of graduation, less the number of pupils who transferred out of the  
22 school between the school year that was three school years prior  
23 to the current school year and the date of graduation who were  
24 members of the class that is graduating at the end of the current  
25 school year.

26 (iii) Five-year graduation rates shall be calculated by taking the  
27 number of pupils who graduated on time for the current school  
28 year, which is considered to be four school years after the pupils  
29 entered grade 9 for the first time, and dividing that number by the  
30 total calculated in clause (iv).

31 (iv) The number of pupils entering grade 9 for the first time in  
32 the school year four years prior to the current school year, plus the  
33 number of pupils who transferred into the class graduating at the  
34 end of the current school year between the school year that was  
35 four school years prior to the current school year and the date of  
36 graduation, less the number of pupils who transferred out of the  
37 school between the school year that was four years prior to the  
38 current school year and the date of graduation who were members  
39 of the class that is graduating at the end of the current school year.

1 (v) Six-year graduation rates shall be calculated by taking the  
2 number of pupils who graduated on time for the current school  
3 year, which is considered to be five school years after the pupils  
4 entered grade 9 for the first time, and dividing that number by the  
5 total calculated in clause (vi).

6 (vi) The number of pupils entering grade 9 for the first time in  
7 the school year five years prior to the current school year, plus the  
8 number of pupils who transferred into the class graduating at the  
9 end of the current school year between the school year that was  
10 five school years prior to the current school year and the date of  
11 graduation, less the number of pupils who transferred out of the  
12 school between the school year that was five years prior to the  
13 current school year and the date of graduation who were members  
14 of the class that is graduating at the end of the current school year.

15 (B) The inclusion of five- and six-year graduation rates for  
16 pupils in secondary schools shall meet the following requirements:

17 (i) Schools shall be granted one-half the credit in their API  
18 scores for graduating pupils in five years that they are granted for  
19 graduating pupils in four years.

20 (ii) Schools shall be granted one-quarter the credit in their API  
21 scores for graduating pupils in six years that they are granted for  
22 graduating pupils in four years.

23 (iii) Notwithstanding clauses (i) and (ii), schools shall be granted  
24 full credit in their API scores for graduating in five or six years a  
25 pupil with disabilities who graduates in accordance with his or her  
26 individualized education program (IEP).

27 (C) The pupil data collected for the API that comes from the  
28 achievement test administered pursuant to Section 60640 and the  
29 high school exit examination administered pursuant to Section  
30 60851, when fully implemented, shall be disaggregated by special  
31 education status, English language learners, socioeconomic status,  
32 gender, and ethnic group. Only the test scores of pupils who were  
33 counted as part of the enrollment in the annual data collection of  
34 the California Basic Educational Data System for the current fiscal  
35 year and who were continuously enrolled during that year may be  
36 included in the test result reports in the API score of the school.  
37 Results of the achievement test and other tests specified in  
38 subdivision (b) shall constitute at least 60 percent of the value of  
39 the index.

1 (D) Before including high school graduation rates and attendance  
2 rates in the API, the Superintendent shall determine the extent to  
3 which the data currently are reported to the state and the accuracy  
4 of the data. Notwithstanding any other ~~provision of law~~, graduation  
5 rates for pupils in dropout recovery high schools shall not be  
6 included in the API. For purposes of this subparagraph, “dropout  
7 recovery high school” means a high school in which 50 percent  
8 or more of its pupils have been designated as dropouts pursuant  
9 to the exit/withdrawal codes developed by the department.

10 (E) The Superintendent shall provide an annual report to the  
11 Legislature on the graduation and dropout rates in California and  
12 shall make the same report available to the public. The report shall  
13 be accompanied by the release of publicly accessible data for each  
14 school district and school in a manner that provides for  
15 disaggregation based upon socioeconomically disadvantaged pupils  
16 and numerically significant subgroups scoring below average on  
17 statewide standards-aligned assessments. In addition, the data shall  
18 be made available in a manner that provides for comparisons of a  
19 minimum of three years of data.

20 (b) Pupil scores from the following tests, when available and  
21 when found to be valid and reliable for this purpose, shall be  
22 incorporated into the API:

23 (1) The standards-based achievement tests provided for in  
24 Section 60642.5.

25 (2) The high school exit examination.

26 (c) Based on the API, the Superintendent shall develop, and the  
27 state board shall adopt, expected annual percentage growth targets  
28 for all schools based on their API baseline score from the previous  
29 year. Schools are expected to meet these growth targets through  
30 effective allocation of available resources. For schools below the  
31 statewide API performance target adopted by the state board  
32 pursuant to subdivision (d), the minimum annual percentage growth  
33 target shall be 5 percent of the difference between the actual API  
34 score of a school and the statewide API performance target, or one  
35 API point, whichever is greater. Schools at or above the statewide  
36 API performance target shall have, as their growth target,  
37 maintenance of their API score above the statewide API  
38 performance target. However, the state board may set differential  
39 growth targets based on grade level of instruction and may set  
40 higher growth targets for the lowest performing schools because

1 they have the greatest room for improvement. To meet its growth  
2 target, a school shall demonstrate that the annual growth in its API  
3 is equal to or more than its schoolwide annual percentage growth  
4 target and that all numerically significant pupil subgroups, as  
5 defined in subdivision (a), are making comparable improvement.

6 (d) Upon adoption of state performance standards by the state  
7 board, the Superintendent shall recommend, and the state board  
8 shall adopt, a statewide API performance target that includes  
9 consideration of performance standards and represents the  
10 proficiency level required to meet the state performance target.  
11 When the API is fully developed, schools, at a minimum, shall  
12 meet their annual API growth targets to be eligible for the  
13 Governor's Performance Award Program as set forth in Section  
14 52057. The state board may establish additional criteria that schools  
15 must meet to be eligible for the Governor's Performance Award  
16 Program.

17 (e) The API shall be used for both of the following:

18 (1) Measuring the progress of schools selected for participation  
19 in the Immediate Intervention/Underperforming Schools Program  
20 pursuant to Section 52053.

21 (2) Ranking all public schools in the state for the purpose of the  
22 High Achieving/Improving Schools Program pursuant to Section  
23 52056.

24 (f) (1) A school with 11 to 99 pupils with valid test scores shall  
25 receive an API score with an asterisk that indicates less statistical  
26 certainty than API scores based on 100 or more test scores.

27 (2) A school annually shall receive an API score, unless the  
28 Superintendent determines that an API score would be an invalid  
29 measure of the performance of the school for one or more of the  
30 following reasons:

31 (A) Irregularities in testing procedures occurred.

32 (B) The data used to calculate the API score of the school are  
33 not representative of the pupil population at the school.

34 (C) Significant demographic changes in the pupil population  
35 render year-to-year comparisons of pupil performance invalid.

36 (D) The department discovers or receives information indicating  
37 that the integrity of the API score has been compromised.

38 (E) Insufficient pupil participation in the assessments included  
39 in the API.

(3) If a school has fewer than 100 pupils with valid test scores, the calculation of the API or adequate yearly progress pursuant to the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and federal regulations may be calculated over more than one annual administration of the tests administered pursuant to Section 60640 and the high school exit examination administered pursuant to Section 60851, consistent with regulations adopted by the state board.

(g) Only schools with 100 or more test scores contributing to the API may be included in the API rankings.

(h) The Superintendent, with the approval of the state board, shall develop an alternative accountability system for schools under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, nonpublic, nonsectarian schools pursuant to Section 56366, and alternative schools serving high-risk pupils, including *independent study programs*, continuation high schools, and opportunity schools. *All alternative schools serving high-risk pupils shall participate in the alternative accountability system, regardless of the percentage of high-risk pupils enrolled.* Schools in the alternative accountability system may receive an API score, but shall not be included in the API rankings.

*(1) The alternative accountability system shall include, but not necessarily be limited to, the following:*

*(A) A mandatory accountability system.*

*(B) A rigorous system that measures the educational performance and learning outcomes of pupils.*

*(C) A demonstration of the schools capability of accelerating learning and graduating pupils through the accountability measures used.*

*(D) Assurance that pupil outcomes are comparable statewide.*

*(E) Development of consequences and improvement plans for schools with low pupil outcomes.*

*(2) The department shall explore options to create a statewide standard for granting credit to pupils attending alternative education programs. School districts or county offices of education shall not develop or impose their own standard.*

*(3) The Superintendent shall report to the Legislature by March 1, 2011, and January 1, 2012, on the data collected based on the revised alternative accountability system.*

1       SEC. 2. If the Commission on State Mandates determines that  
2 this act contains costs mandated by the state, reimbursement to  
3 local agencies and school districts for those costs shall be made  
4 pursuant to Part 7 (commencing with Section 17500) of Division  
5 4 of Title 2 of the Government Code.

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